



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

at the station and accompanying her to the family home, some distance in the country, plaintiff sent a message to one Robert Swearingen, an acquaintance of the family, as follows: "Harry dead. Arrive with corpse at 6 a. m. Tell Thomas. [Signed] Edith Cowan." As received the message was signed "Edith Erwin" and Swearingen, not knowing and unable to learn of any person by that name, failed to notify the family and there was no one to meet the widow at the station. Plaintiff was greatly distressed in mind under the circumstances and brought action for damages, *Held*, that damages may be recovered for mental pain and anguish, resulting from the negligent transmission of a telegram, though unconnected with physical injury. *Cowan v. W. U. Tel. Co.* (1904), — Ia. —, 98 N. W. Rep. 281.

The decision reviews the authorities holding the above doctrine and affirms an earlier decision of the same court. *Mentzer v. Tel. Co.*, 93 Ia. 752, 62 N. W. Rep. 1, 28 L. R. A. 72, 57 Am. St. Rep. 294. See SHEARM. & RED. NEG. (4th Ed.) sec. 756; *Graham v. W. U. Tel. Co.* (1903), — La. —, 34 South Rep. 91, 2 MICHIGAN LAW REVIEW 150; *Bryan v. W. U. Tel. Co.* (1903), — N. C. —, 45 S. E. Rep. 938, 2 MICHIGAN LAW REVIEW 421. The modern doctrine, so-called, allowing the recovery of damages for mental suffering, independent and apart from physical injury, is steadily gaining ground, as shown by a number of recent cases both in this country and in England. See *Bell v. G. N. R. Co.*, 26 L. R. Ir. 428; *Wilkinson v. Downton* (1897), 2 Q. B. 57; *Dulieu v. White* (1901), 2 K. B. 669 and *J. E. Dunn & Co. v. Smith* (1903), — Tex. —, 74 S. W. Rep. 576; *Lewis et al v. Holmes* (1903), 109 La. 1030, 61 L. R. A. 274, 2 MICHIGAN LAW REVIEW 226; *Morse v. Chesapeake & Ohio Ry. Co.* (1903), — Ky. —, 77 S. W. Rep. 361, 2 MICHIGAN LAW REVIEW 411. See two preceding notes.

TORT—LIBEL—PRIVILEGED COMMUNICATIONS—IRRELEVANT MATTER IN PLEADINGS.—Defendant filed an affidavit to perpetuate testimony to be used to rebut fraudulent claims against her estate, and alleged in her application that the parties were asserting a claim to her estate "through the false, fraudulent, and malicious representations" of plaintiff, who was an attorney. On a demurrer for insufficient facts, *Held*, statements as to plaintiff were not privileged, and that a cause of action was stated. *King v. McKissick* (1903), —C. C. Dist. — Nevada, 126 Fed. Rep. 215.

The court holds that the only issue raised by the application was the fact that a fraudulent claim was being asserted to defendant's estate. The statement as to the plaintiff being, therefore, wholly irrelevant and immaterial, is not a privileged communication. In reference to the privilege extended to allegations in pleadings, two distinct rules prevail. The English courts hold the privilege to be absolute, whether the allegations be pertinent to the issues or not. NEWELL ON SLANDER AND LIBEL, 460; ODGERS ON LIBEL AND SLANDER, 188. A few American cases follow this holding; *Runge v. Franklin*, 72 Tex. 583; 3 L. R. A. 417; *Bartlett v. Christhill*, 69 Md. 219. The English rule is further supported by TOWNSHEND ON SLANDER AND LIBEL, 381. The general rule prevalent in America is, however, that announced in the principal case. *Johnson v. Brown*, 13 W. Va. 73; *McLaughlin v. Cowley*, 127 Mass. 316; *Wilson v. Sullivan*, 81 Ga. 238. For a review of cases bearing on this proposition, see note to *Randall v. Hamilton*, 22 L. R. A. 649.

TORT—SLANDER—INSANITY AS A DEFENSE.—In an action for slander in charging plaintiff with maintaining improper relations with defendant's husband, evidence tending to establish defendant's insanity at the time of speak-